

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 2752 of 2004(C)

PETITIONER:

**B.V.BALAKRISHNAN, EMPLOYMENT OFFICER
(RTD), AMBADY, NETTOOR P.O.,
ERNAKULAM, PIN- 682 304.**

**BY ADV. SRI.N.RADHAKRISHNAN,
SRI.R.SABU.**

RESPONDENTS:

**1. THE SECRETARY TO GOVERNMENT
LABOUR (G) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**

**2. THE DIRECTOR OF EMPLOYMENT,
THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.2752/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE RELEVANT PART OF THE SPECIAL RULE ISSUED BY KERALA NATIONAL EMPLOYMENT SUBORDINATE SERVICE.

EXT.P.2: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE R.2. DTD. 25/06/2002.

EXT.P.3: COPY OF THE LETTER NO. J2/17815/02/DE ISSUED BY THE R.2. DTD. 24/07/02.

EXT.P.4: COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER TO THE R.2. DTD. 05/08/2002.

EXT.P.5: COPY OF THE LETTER J2/17815/2002, ISSUED BY THE R.2. DTD. 03/09/2002.

EXT.P.6: COPY OF THE APPEAL FILED BY THE PETITIONER TO THE R.1. DT. 24/05/2003.

EXT.P.7: COPY OF THE JUDGMENT IN W.P. NO. 28516/03 OF THE HONOURABLE HIGH COURT OF KEARLA DTD. 03/09/2003.

EXT.P.8: COPY OF THE G.O. (RT). NO. 3/04/LABOUR DTD. 1/1/2004.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.2752 of 2004

Dated 7th June, 2007.

J U D G M E N T

Petitioner is aggrieved since he is denied the benefit of second time bound higher grade with effect from 29.1.2002. According to the petitioner, he is entitled to have the said benefit on completion of 8 years service as Employment Officer, since his entry cadre is liable to be treated as Junior Employment Officer. In the impugned order as well as in the counter affidavit, it is specifically stated that the petitioner entered service as Lower Division Clerk; he got four promotions in his entire service. As he got the above regular promotions in the four cadres only, he was denied the second time bound higher grade. The concept of time bound higher grade is to avoid stagnation in a scale. In the case of the petitioner, there is no stagnation so as to make him eligible for the time bound higher grade since the undisputed position is that in his service he had the benefit of change in the time scale and consequential fixations at the time of promotion from Lower Division Clerk to Upper Division Clerk, from Upper Division Clerk to Head Clerk, from Head Clerk to Junior Employment Officer and from Junior Employment

Officer to Employment Officer. His appointment as Junior Employment Officer is in direct line of promotion, though styled as appointment by transfer and therefore his past service as L.D.Clerk, U.D.Clerk and Head Clerk and the consequential changes in time scale and fixation cannot be ignored. Therefore, there is no merit in the writ petition. It is dismissed.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 2003

J U D G M E N T

Dated 7th June, 2007.